



2016 CHAPTER 21

PART 2

The Prison Ombudsman For Northern Ireland

Investigations requested by Department

Investigations requested by the Department

39.—(1) The Department—

- (a) shall request the Ombudsman to investigate any custody-related matter if any of the events to which it relates is of such a nature or description, or occurs in such circumstances, as may be prescribed;
- (b) may request the Ombudsman to investigate any other custody-related matter which is specified in the request.

(2) Before making any request under subsection (1) the Department shall consult the Ombudsman.

(3) A custody-related matter is a matter relating to events which have (or may have) occurred—

- (a) at a prison or juvenile justice centre, or
- (b) while a person is in the custody of a prison officer or a member of the staff of a juvenile justice centre,

and any matter the Department considers is (or may be) linked to such events.

(4) Before making any regulations under subsection (1)(a) the Department shall consult—

- (a) the Ombudsman; and

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- (b) such other persons as the Department thinks appropriate.
- (5) The Ombudsman must—
 - (a) decide whether to conduct an investigation in pursuance of a request under this section; and
 - (b) notify the Department of that decision.
- (6) It is for the Ombudsman to determine the procedures to be applied to an investigation under this section.
- (7) At any time in the course of an investigation under this section the Ombudsman may make recommendations to the Department about any matter arising from the investigation.
- (8) At any time in the course of an investigation under this section the Ombudsman shall—
 - (a) draw to the attention of the police any matter which in the Ombudsman's opinion is relevant to any criminal investigation;
 - (b) draw to the attention of any body or person any matter which in the Ombudsman's opinion calls for action to be taken by that body or person.

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Commencement Information

II S. 39(1)(a) in operation at 1.9.2016 for specified purposes by [S.R. 2016/248](#), [art. 3\(d\)](#)

Report on investigation under section 39

- 40.—**(1) Where the Ombudsman has carried out an investigation under section 39 the Ombudsman must report in writing on the outcome of the investigation to—
- (a) the Department; and
 - (b) such other persons (if any) as the Department may request.
- (2) The report may make recommendations about any matter arising from the investigation.
- (3) Regulations may make provision as to the procedures to be followed in relation to reports under this section and may in particular include provision—
- (a) enabling the Ombudsman to show any person a draft of the whole or any part of a report;
 - (b) enabling the Ombudsman to publish the whole or any part of a report;
 - (c) restricting or prohibiting the identification of prescribed persons or persons of a prescribed description in a report or the inclusion of information of a prescribed description.

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Commencement Information

I2 [S. 40\(3\)](#) in operation at 1.9.2016 for specified purposes by [S.R. 2016/248](#), [art. 3\(e\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(za) inserted by [S.R. 2021/203 art. 2](#)